UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/73/L/UKOT
20 September 2001

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Seventy-third session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FIFTH PERIODIC REPORT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (OVERSEAS TERRITORIES) (CCPR/C/UKOT/99/5)

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (art. 2)

1. Please inform the Committee whether the Human Rights Act (HRA) of 2000 has been extended to all the overseas territories, and whether the State party will legislate to incorporate the International Covenant on Civil and Political Rights in domestic law for the overseas territories, especially those provisions of the Covenant not covered by the HRA (paragraph 98 (c) of the report).

2. In the light of the HRA, please inform the Committee whether the State party is considering withdrawing the various reservations it maintains with respect to the application of Covenant provisions to the overseas territories.

3. Where the laws of the territories are not compatible with obligations of the State party under the Covenant - on such matters as capital punishment, corporal punishment and homosexuality - and where the territories refuse to amend existing laws, will the Government consider legislating for the territories to render the laws of the territories compatible with the State party's obligations under the Covenant? (paras. 3, 12, 65, 119, 140, 187).

GE.01-44673 (E) 260901

BERMUDA

Constitutional framework within which the Covenant is implemented

4. Please elaborate on the functions and powers of the Bermuda Human Rights Commission and the type of complaints it can deal with (paras. 5, 8, 10, 20).

BRITISH VIRGIN ISLANDS

Self-determination (art. 1)

5. It is noted in the report that, with respect to dependent territories, the decision to proceed to full independence or to internal self-government or to remain as dependent territories lies with each territory in consultation with the Government (paras. 3 and 30-32). Please elaborate further, in particular with respect to the possibility of holding a referendum on the issue of independence.

Sexual equality and non-discrimination (arts. 3, 23 and 26)

6. In the British Virgin Islands, laws confer Belonger status on a woman who marries a male Belonger but not on a man who marries a female Belonger. Please explain how these laws are consistent with the Covenant. Is there any proposal to alter these laws to effect equality between such couples and to eliminate any inequalities in the status of their children? (paras. 28, 35-36, 55).

Thought, conscience and religion (art. 18)

7. How does the State party justify the ban on Rastafarian religious practice in the British Virgin Islands, in the light of articles 18, 26 and 2 (1) of the Covenant?

CAYMAN ISLANDS

Self-determination (art. 1)

8. It is noted in the report that, with respect to dependent territories, the decision to proceed to full independence or to internal self-government, or to remain a dependent territory lies with each territory in consultation with the Government (paras. 3 and 60).

9. Have the Cayman Islands decided to proceed with an enforceable bill of rights? Are there significant differences between the Cayman Island Bill of Rights, the Human Rights Act and comparable provisions of the Covenant? (para. 61).

Treatment of detainees (art. 10)

10. Please provide information on measures being adopted to ensure that juveniles convicted of crime in the Cayman Islands are housed separately from adults, as required by article 10 of the Covenant? (para. 68).

Participation in public life (art. 25)

11. How does the State party justify the banning of political parties on the Cayman Islands, in the light of the provisions of article 25 of the Covenant?

FALKLANDS ISLANDS

Sexual equality and non-discrimination (arts. 3, 23 and 26)

12. Please explain the limitations or restrictions on the basis of nationality, especially Argentine nationality, applicable to those persons who do not "enjoy Falkland Islands status", in particular with regard to the right to own property, to inherit, to reside, to enter the territory, and to trade.

Liberty and security of persons: arrest and detention (art. 9)

13. Please provide information on cases of deportation of persons from the Falkland Islands over the past 10 years, in particular any cases in which deportation was preceded by deprivation of liberty (para. 98).

Right to family life

14. Please explain why, if no difference is made between legitimate and illegitimate children, in practice, such differences continue to be maintained in the law (para. 106).

GIBRALTAR

Self-determination (art. 1)

15. It is noted in the report that with respect to dependent territories the decision to proceed to full independence or to internal self-government or to remain a dependent territory lies with each territory in consultation with the Government. Please elaborate on the possible changes that may be made to Gibraltar's constitutional status in respect of self-determination (paras. 3, 113-114).

MONSERRAT

Treatment of detainees (art. 10)

16. Please provide information on measures being adopted in Monserrat since the volcano's eruption to overcome problems of jail overcrowding, non-segregation of convicted and remand prisoners, and non-segregation of male and female prisoners and juvenile and adult prisoners? (para. 142).

ST. HELENA

Self-determination (art. 1)

17. It is noted in the report that with respect to dependent territories the decision to proceed to full independence or to internal self-government or to remain a dependent territory, lies with each territory in consultation with the Government (paras. 3 and 158). What is the State party's position on the brief submitted by the Citizenship Commission of St. Helena to the United Nations Special Committee on Decolonization?

TURKS AND CAICOS

Constitutional framework within which the Covenant is implemented

18. Please provide information on the mandate and functions of the Complaints Commissioner, and on the number of complaints received

Dissemination of information relating to the Covenant (art. 2)

19. Please indicate the steps taken to disseminate information on the submission of the periodic reports under article 40 of the Covenant and their consideration by the Committee, in particular the Committee's concluding observations.

20. Please provide information on training and education on the Covenant provided to public officials.